

Melton *et al.* discloses an exercycle combined with a video game computer. The physical effort of the operator generates electrical current for the operation of the game control permitting the operator to control and interact with the computer upon maintaining a predetermined level of physical effort. The office action specifically refers to column 5, lines 10-20 which state:

The operator turns on the on-off switch 26 to activate the computer 19 and the video display or CRT 20, loads a program or game cartridge into the computer 19. The program may be specifically designed for an exercise routine, a conventional video game cartridge, or the operator may type in a program from a keyboard 27. At this time, the computer 19 and the CRT 20 are operational and may be instructing or prompting the operator, or the display may be advertising the program, should the exercise apparatus be in commercial use in a spa.

The above description is directed to the operation prior to the operator mounting the exercise apparatus 10. See, *e.g.*, column 5, lines 21-22. The displays provided while the exerciser exercises are shown, for example, in Figures 5-7. There is no disclosure in Melton *et al.* of providing a display of advertisements to an exerciser while the exerciser exercises on an exercise apparatus as set forth in claim 20. Similarly, Melton *et al.* does not disclose providing a display comprising both exercise data and advertisements while an exerciser exercises as set forth in claim 29. For this reason alone, Melton *et al.* cannot anticipate independent claim 20, independent claim 29, or any of the claims that depend therefrom. See, *e.g.*, *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”)

In addition, Melton *et al.* does not disclose (or even vaguely suggest) contacting a remote computer, receiving advertisements transmitted from the contacted remote computer and providing a display of the received advertisements as set forth in independent claims 20 and 29.


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For these additional and independent reasons, Melton *et al.* cannot anticipate independent claim 20, independent claim 29, or any of the claims that depend therefrom.

New claims 39-66 have been added for the Examiner's consideration. The subject matter of these new claims is fully supported by the original disclosure and no new matter is added. Applicant submits that the subject matter of new claims 39-66 is not shown or suggested by Melton *et al.*

Applicant submits that the pending claims are in condition for allowance, and action to that end is earnestly solicited.

Respectfully submitted,

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